

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON
ORDINANCE NO. 170

An ordinance submitting proposed County Charter amendments to the voters at the general election to be held November 7, 1978; and declaring an emergency.

WHEREAS, the Multnomah County Charter created a Charter Review Committee and directed the Committee to make its report to the Board, including any amendments proposed to the Charter, not later than 75 days prior to the 1978 general election; and

WHEREAS, the Committee has concluded its review and has submitted its report to the Board within which the Committee recommends that five separate measures containing amendments to the Charter be submitted to the voters at the 1978 general election; and

WHEREAS, the Charter requires that amendments proposed by the Committee be submitted to the voters at that 1978 general election; now, therefore,

MULTNOMAH COUNTY ORDAINS AS FOLLOWS:

Section 1. There shall be submitted to the voters of Multnomah County at that election to be held November 7, 1978, five measures containing amendments to the Multnomah County Charter. The election shall be held concurrently with the statewide general election and notice thereof shall be given as is required by law.

Section 2. This Ordinance contains the proposed measures and, when adopted, shall be filed with the Director of the Department of Records and Elections in accordance with Ordinance No. 159. The Director shall file the measures, ballot titles, explanatory statements and arguments with the Secretary of State in accordance with Ordinance 159.

Section 3. Each measure, as hereinafter provided, shall be placed on the appropriate ballot and each shall indicate that they are measures "Referred to the people by the Board of County Commissioners". The measures shall be in substantially the following form. Brackets indicate language to be deleted and underlines indicate language to be added to the Charter.

Section 4. Measure 1 shall be substantially as follows:

MEASURE 1

3.10 Delete in its entirety.

3.10 MEMBERSHIP. The governing body shall be a board of five county commissioners, elected from districts as herein established and described. Descriptions for each district are based on block groups and census tracts as employed by the United States Department of Commerce, Bureau of the Census, in compiling the 1970 decennial census.

(1) Position No. 1 shall be occupied by that Commissioner elected from or appointed to the West District, the boundaries of which are as follows:

Bounded on the North by Columbia County; bounded on the West by Washington County; bounded on the South by Clackamas County and bounded on the East

as follows: Columbia and Willamette Rivers south to Hawthorne Bv., east on Hawthorne Bv. to 16 Av., south on 16 Av. to Division St., east on Division St. to 26 Av., south on 26 Av. to Powell Bv., west on Powell Bv. to Milwaukie Av., south on Milwaukie Av. to Center St., east on Center St. to 16 Av., south on 16 Av. to Holgate Bv. east on Holgate Bv. to Southern Pacific RR., south on Southern Pacific RR. to Bybee Bv., continuing east and southeast along southeast boundary of House District 10. This district consists of the following census tracts and block groups:

Tracts 1, 2, 11.02, 43, 45, 46.01, 46.02, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60.01, 60.02, 61, 62, 63, 64, 65.01, 65.02, 66.01, 66.02, 67.01, 67.02, 68.01, 68.02, 69, 70, 71, 3.02 - Block Groups 1, 2, 4, 5, 6, 7 and 9, 10 - Block Groups 1, 2, 4, 5, 7 and 8.

- (2) Position No. 2 shall be occupied by that Commissioner elected from or appointed to the North District, the boundaries of which are as follows:

Bounded on the North by the Columbia River; bounded on the West by the Columbia and Willamette Rivers; bounded on the South by the Banfield Freeway; bounded on the East as follows: Peninsula Drainage Canal south to Columbia Slough, southeast along Columbia Slough to 33 Dr., south on 33 Dr. to Columbia Bv., east on Columbia Bv. to 42 Av., south on 42 Av. to Killingsworth St., west on Killingsworth St. to 33 Av., south on 33 Av./32 Av. to Banfield Freeway. This district consists of the following census tracts and block groups:

Tracts 22.01, 22.02, 23.01, 23.02, 24.01, 24.02, 25.01, 25.02, 31, 32, 33.01, 33.02, 34.01, 34.02, 35.01, 35.02, 36.01, 36.02, 36.03, 37.01, 37.02, 38.01, 38.02, 38.03, 39.01, 39.02, 40.01, 40.02, 41.01, 41.02, 42, 44, 72.

- (3) Position No. 3 shall be occupied by that Commissioner elected from or appointed to the Central District, the boundaries of which are as follows:

Bounded on the North by Columbia Bv. and Union Pacific Railroad; bounded on the West as follows:

South on 42 Av. from Columbia Bv. to Killingsworth St., west on Killingsworth St. to 33 Av., south on 33 Av./32 Av. to Banfield Freeway, west on Banfield Freeway to Willamette River, south along Willamette River to Hawthorne Bv., east on Hawthorne Bv. to 16 Av., south on 16 Av. to Division St.; bounded on the South by Division St. from 16 Av. to 122 Av.; bounded on the East by South on 82 Av. from Union Pacific RR/Columbia Bv. to Burnside, east on Burnside to 122 Av., south on 122 Av. to Division St. This district consists of the following census tracts and block groups:

Tracts 11.01, 12.01, 12.02, 13.01, 13.02, 14, 15, 16.01, 16.02, 17.01, 18.01, 18.02, 19, 20, 21, 26, 27.01, 27.02, 28.01, 28.02, 29.01, 29.02, 30, 74, 75, 76, 82.01, 82.02, 17.02, - Block Group 3.

- (4) Position No. 4 shall be occupied by that Commissioner elected from or appointed to the South District, the boundaries of which are as follows:

Bounded on the North east on Division St. from 26 Av. to 122 Av., north on 122 Av. to Burnside, east on Burnside to 148 Av., south on 148 Av. to Stark St., east on Stark St. to 162 Av.; bounded on the West as follows: South on 26 Av. from Division St. to Powell Bv., west on Powell Bv. to Milwaukie Av., south on Milwaukie Av. to Center St., east on Center St. to 16 Av., south on 16 Av. to Holgate Bv., east on Holgate Bv. to Southern Pacific RR, south on Southern Pacific RR to Bybee Bv., continuing east and southeast along southeast boundary of House District 10; bounded on the South by Clackamas County, and bounded on the East as follows: South on 162 Av. from Stark St. to Powell Bv., continuing south along west boundary of House District 23. This district consists of the following census tracts and block groups:

Tracts 3.01, 4.01, 4.02, 5.01, 5.02, 6.01, 6.02, 7.01, 7.02, 8.01, 8.02, 9.01, 9.02, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92.01, 92.02, 97.01, 3.02 - Block Group 3, 10 - Block Groups 3 and 6.

- (5) Position No. 5 shall be occupied by that Commissioner elected from or appointed to the East District, the boundaries of which are as follows:

Bounded on the North by the Columbia River; bounded on the West as follows: Peninsula Drainage

Canal South to Columbia Slough, southeast along Columbia Slough to 33 Dr., south on 33 Dr. to Columbia Bv., east on Columbia Bv./Union Pacific RR to 82 Av., south on 82 Av. to Burnside, east on Burnside to 148 Av., south on 148 Av. to Stark St., east on Stark St. to 162 Av., south on 162 Av. to Powell Bv., continuing south along west boundary of House District 23; bounded on the South by Clackamas County; and bounded on the East by Hood River County. This district consists of the following census tracts and block groups:

Tracts 29.03, 73, 77, 78, 79, 80.01, 80.02, 81, 93, 94, 95, 96.01, 96.02, 97.02, 98.01, 98.02, 99, 100, 101, 102, 103, 104.01, 104.02, 105, 17.02 - Block Groups 1, 2 and 9.

3.15 APPORTIONMENT OF COMMISSIONER DISTRICTS.

Within thirty days after the official release of each federal decennial census for Multnomah County, the auditor shall determine the population distribution among the commissioner districts specified by this charter. If the population of any commissioner district is more than 115 percent of the population of any other commissioner district, the auditor, in consultation with the Multnomah County Elections Division, shall prepare and present to the board of county commissioners, within that thirty-day period, a plan for modifying the boundaries of the districts so that the population of no commissioner district will be more than 110 percent of the population of any other commissioner district, notwithstanding the delineation of commissioner districts by this charter. The board of county commissioners shall, within 45 days of the submission of the report, alter the boundaries of the commissioner districts as necessary by ordinance to provide for an approximately equal population distribution. Change in boundaries of the districts shall not affect taking of office of a commissioner-elect with respect to the term of office for which elected prior to the adoption of the reapportionment. The auditor shall, as nearly as possible, retain the general geographic characteristics of districts established by this charter.

3.20 ELECTION. Except as this charter provides to the contrary,

- (1) each member of the board shall be nominated and elected [from the county at large,] from a district, by position;
- [(2) at the general November election in 1978 and every fourth year thereafter a commissioner shall be elected to each odd-numbered position on the board;

(3) at the general November election in 1980 and every fourth year thereafter a commissioner shall be elected to each even-numbered position on the board; and]

(2) commissioner terms shall be four years; and

[(4)] (3) at each [of the] election[s], of the candidates for position on the board, the one who receives the highest number of votes cast for any candidate for that position shall be the one elected or nominated to it.

3.40 CONCURRENCE REQUIRED FOR ACTION. Except as this charter provides to the contrary, the board may act only with the affirmative concurrence of a majority of its members[.] present at a meeting.

3.50 MEETINGS.

(1) The board shall adopt and publish rules for the conduct of its meetings and shall conduct the meetings in accordance with the rules.

(2) The board shall schedule its regular meetings in accordance with the rules.

(3) The [chairman] presiding officer or three other board members may call special meetings of the board, provided each board member not issuing the call is sent notice of the call in accordance with the board's rules. No board action at a special meeting, except adoption of an emergency ordinance, shall have effect after the next regular board meeting unless ratified at the meeting.

(4) Notice of the time and place of a board meeting, including an agenda of all action to be considered at the meeting, shall be posted in a conspicuous place in the county courthouse

(a) at least 72 hours immediately preceding the meeting, in case of a regular meeting, and

(b) at least [3] 24 hours immediately preceding the meeting, in case of a special meeting.

Copies of the notice shall be available at the courthouse to interested persons throughout the time that the notice is required to be posted. The board may, however, take action on an item not on the agenda if the board deems that an emergency requires the action and if all the members of the board who are present affirmatively

concur in the action.

- (5) The board shall keep a journal of its proceedings. The journal shall be accessible to the public during regular office hours.

3.60 [VICE CHAIRMAN.] PRESIDING OFFICER. At its first meeting after the effective date of this section and at the first meeting of each calendar year thereafter, the board shall choose a [vice chairman] presiding officer and vice-presiding officer from its members. [He] The presiding officer shall preside at board meetings. The vice-presiding officer shall preside whenever the [chairman] presiding officer is absent [therefrom and shall serve as chairman pro tem of the board when the chairman] or is incapacitated from serving. [as such, but his administrative acts as chairman pro tem shall have effect only if ratified by the other board members exclusive of the chairman.]

3.70 ADVISORY BOARDS AND COMMISSIONS.

- (1) The board may by ordinance create such advisory county boards and commissions as in its judgment the interests of the county require.
- (2) Members of the boards and commissions shall be appointed by the [board chairman] County Executive with the approval of the board.

[3.80 BOARD MEMBERS AND ADMINISTRATIVE PERSONNEL. No board member except the chairman may give orders to an administrative officer or employee of the county.]

4.10 QUALIFICATIONS.

- (1) An elective officer of the county shall have been a qualified elector of the county for a year and a half immediately before becoming such an officer[.] and, if a candidate for, or appointee to, a county commissioner position, then a resident of the district for a year and a half immediately before becoming such a commissioner, except as provided in Section 13.20.
- (2) Before the electee or appointee to an elective office takes the office he shall furnish, for the faithful performance of his duties in the office, a corporate surety bond in the penal sum of \$25,000 or such greater sum as may be fixed by the board of county commissioners. The county shall pay the premium on the bond.

4.40 VACANCIES -- CAUSES. An elective office of the county shall become vacant

- (1) upon the incumbent's
 - (a) death,
 - (b) adjudicated incompetence,
 - (c) conviction of a felony, other offense pertinent to his office, or unlawful destruction of public records,
 - (d) resignation from the office,
 - (e) recall from the office, or
 - (f) [ceasing to possess the qualifications required for the office;] ceasing to reside within Multnomah County, or inability to obtain a corporate surety bond as required by Section 4.10(2).
- (2) upon the failure of the person elected or appointed to the office to qualify for it within ten days after the time for his term of office to commence; or
- (3) in the case of a member of the board of county commissioners, upon his absence
 - (a) from the county for 30 consecutive days without the consent of the board or
 - (b) from board meetings for 60 consecutive days without like consent.
- (4) in the case of the County Executive, upon his absence from the county for 30 consecutive days without the consent of the board.

4.50 VACANCIES -- FILLING.

- (1) The board of county commissioners shall promptly fill any vacancy in an elective office of the county.
- (2) If the office becomes vacant less than 21 months after the beginning of the term of office of the last person elected to the office
 - (a) the term of the appointee shall run until the beginning of the first odd-numbered year after the vacancy occurs and
 - (b) at the first general November election after the vacancy occurs, a person shall be elected to fill the vacancy for two years.

The board of county commissioners shall by ordinance prescribe one or more procedures by which candidates to

fill such a vacancy may be nominated and elected for the two-year term.

- (3) If the office becomes vacant 21 months or more after the beginning of the term of office of the person last elected to the office, the term of office of the appointee shall be the remainder of the term of office of the electee.
- (4) Persons appointed to fill a vacancy as county commissioner shall not be a candidate for election to that position at the next election following the term of appointment.

5.40 AUTHENTICATION. An ordinance adopted by the board shall, within three days of its adoption, be signed [by the presiding officer of the board] or vetoed by the County Executive. A veto shall be accompanied by a statement of objections and filed with the presiding officer of the board of commissioners. The board may override a veto by a vote of four members of the board no later than the next regular meeting of the board. The veto power shall extend only to legislative ordinances, and shall not apply to adoption of the county budget.

5.50 TIME OF EFFECT.

- (1) A nonemergency ordinance shall take effect on the thirtieth day after it is [adopted,] signed by the County Executive unless
 - (a) it prescribes a later date for it to take effect or
 - (b) it is referred to the voters of the county, in which event it shall take effect only upon receiving their approval.
- (2) An emergency ordinance may take effect immediately upon being [adopted] signed by the County Executive.

6.10 [CHIEF] COUNTY EXECUTIVE. The [chairman of the board of county commissioners] County Executive

- (1) shall be the chief executive officer of the county;
- (2) [shall preside over] may attend and be heard at meetings of the board [and have a vote on each matter before the board;] but shall have no vote;

- (3) [may] shall have sole authority to appoint, order, direct and discharge administrative officers and employees of the county, [except that his] except for the personal staff, employees, or agents of the commissioners, auditor, judges and district attorney. [a]Appointment of department heads shall be [with the board's approval] subject to consent of the board of commissioners;
- (4) shall execute the policies of the board and the ordinances of the county; [and]
- (5) shall sign all contracts, bonds, and other instruments requiring county consent;
- (6) shall prepare the county budget for submission to the board; and
- [(5)] (7) may delegate his administrative powers but shall retain full responsibility for the acts of his subordinates.

13.15 EFFECTIVE DATE OF AMENDMENT. This amendment shall take effect July 1, 1979; provided, however, it shall take effect November 7, 1978 for the purpose of electing the county executive, and commissioners and determining the position for which elected or to be elected.

13.20 [delete existing subsections, retain heading]

- (1) The commissioner elected to Position No. 1 on November 7, 1978, shall occupy the position of County Executive for a term ending December 31, 1982. The County Executive shall be elected at large thereafter.
- (2) The commissioner occupying Position No. 2 prior to November 7, 1978, shall occupy Position No. 3 for a term ending December 31, 1980.
- (3) The commissioner elected to Position No. 3 on November 7, 1978, shall occupy Position No. 4 for a term ending December 31, 1982.
- (4) The commissioner occupying Position No. 4 prior to November 7, 1978 shall occupy Position No. 1 for a term ending December 31, 1980.
- (5) The commissioner elected to Position No. 5 on November

7, 1978, shall occupy Position No. 2 for a term ending December 31, 1982.

(6) Position No. 5 shall be filled by a special election to be called by the board to be held no later than June 28, 1979, for a term ending December 31, 1980. Candidates shall be nominated by a petition signed by 250 or more voters within the district in the manner prescribed by the ordinance adopted by the board which calls the election.

(7) Commissioners in office on July 1, 1979 may be re-elected to the position to which they are assigned by this section in the next succeeding election without being a resident of the district which corresponds to the position number to which elected.

13.25 SPENDING LIMITATION. Total appropriations for the board of county commissioners and the County Executive for the 1979-80 fiscal year shall not exceed the total of appropriations for the board of county commissioners and the county chairman for the 1978-79 fiscal year, and annual increases thereafter shall be only such as are necessary and consistent with economical management.

Section 5. Measure 2 shall be substantially as follows:

MEASURE 2

7.40 RIGHTS AND DUTIES OF PERSONNEL

- (1) The status of persons in the classified service shall, within the limitations of this charter,
 - (a) be based on merit and fitness and
 - (b) be governed by the civil service ordinance and rules promulgated thereunder.
- (2) No employee shall be refused employment or be discriminated against in any manner [because of race, religion, color, or national origin.] contrary to state law.
- (3) Persons in the classified service shall be subject to the restrictions in the laws of the state concerning political activities of persons in county civil service.

- (4) Persons in the classified service who are promoted into the unclassified service shall retain their civil service status in the grade from which so promoted.
- (5) Persons in the classified service at the time this charter takes effect shall continue to have the fringe benefits that they have immediately before this charter takes effect.
- (6) References to the masculine gender in this charter shall refer to the masculine, feminine, neuter, or applicable noun, or appropriate combination thereof, where appropriate. The board shall, upon advice of legal counsel, make such changes in the next printing of the charter.

Section 6. Measure 3 shall be substantially as follows:

MEASURE 3

12.40 APPOINTMENT OF COMMITTEE MEMBERS. The Charter Review Committee shall be composed as follows:

- (1) The Committee shall have [16] 2 members[,] appointed from each senatorial district having the majority of its voters within Multnomah County, who will choose their chairperson from among themselves and who shall have authority to establish their own procedures and organization.
- (2) The state senator and the two state representatives who represent residents in each state senate district located in Multnomah County shall[, within 30 days after the adoption of this Section,] appoint two electors, who reside in Multnomah County, to the Committee. If the three appointers from any senate district cannot agree on either or both of the two persons they are to appoint, any two of the three appointers may choose one or both of the persons to be appointed.
- (3) The two electors appointed from each senate district shall not be registered in the same political party.
- (4) The following persons are not eligible for appointment to the Committee: The state senators and representatives who represent districts located in Multnomah County, [at the time of the adoption of this Section and], the Members

of the Multnomah County Board of Commissioners [including Commission Chairman] and the County Executive, if any, serving at the time of [adoption of this Section.] appointment.

- (5) Any vacancy in the Committee shall be filled by the senator and representatives from the senate district from which the previous member was appointed, using the same method as used for the original appointment.
- (6) Appointments shall be made not later than June 30, 1983.

12.50 SCOPE OF COMMITTEE REVIEW

- (1) [Sixty days after the adoption of this Section,] The Committee shall commence study of the Charter by all appropriate means including open hearings and meetings, the taking of testimony and interviewing witnesses.
- [(2) The Committee shall specifically consider each of following four issues:
 - (a) Whether or not there should be commissioners elected to the Multnomah County Board of Commissioners from single-member districts within Multnomah County, and, if so, the boundaries of such districts;
 - (b) Whether or not commissioners should be elected for two or four year terms;
 - (c) The method for choosing the chairman of the Multnomah County Board of Commissioners;
 - (d) The method by which vacancies on the Board of County Commissioners should be filled.
- (3) The Committee may also consider any other issue relating to the Charter.]
- (2) The Committee shall review the county charter and any issues relating thereto, including the role of the county auditor.

12.60 REPORT OF COMMITTEE. [Seventy-five] Ninety-five days prior to the general election of [1978] 1984, the Committee shall report to the people and to the Board of County Commissioners their findings, conclusions and recommendations including any amendments they propose to the Charter.

12.70 SUBMISSION OF AMENDMENTS TO THE PEOPLE. All amendments proposed by the Committee shall be submitted to the people of Multnomah County at the [1978] 1984 general election.

Section 7. Measure 4 shall be substantially as follows:

MEASURE 4

11.15 NONPARTISAN OFFICES.

- (1) All elective county offices shall be nonpartisan.
- (2) The manner of nominating and electing officers shall be the same as that established by state law for nominating and electing circuit court judges, except as this charter provides to the contrary.
- (3) Petitions or declarations of candidacy shall contain no reference to any political party ballot or to the political party affiliation of the candidate. The petition or declaration may contain a statement of twelve words or less of any measure or principles the candidate advocates or of the candidate's qualifications for office and such statement shall appear on the election ballot.
- (4) When there are two or fewer candidates for a position, there shall be no primary election for that position. The name or names shall appear on the general election ballot.
- (5) When there are more than two candidates for a position, all names shall appear on the primary election ballot. The two candidates receiving the highest number of votes shall be declared nominees and their names shall appear on the general election ballot.
- (6) If a candidate dies, withdraws, or becomes otherwise ineligible on or after the primary election date, candidates for the office shall be nominated by petition or assembly in the manner provided by state law for the nomination of independent candidates.

Section 8. Measure 5 shall be substantially as

follows:

MEASURE 5

8.20

- (1) The board of county commissioners may issue and sell general obligation bonds only in accordance with state law.
- [(2) The board may issue and sell revenue bonds only for purposes and in amounts authorized by the voters of the county.]
- (2) The board may, by ordinance, authorize the issuance and sale of revenue bonds to provide funds with which to acquire, construct, equip or improve revenue producing public purpose facilities. Such bonds shall be secured solely from the unobligated revenues produced by the facility, or similar facilities, and by, in the discretion of the board, mortgage or similar encumbrance upon the facility, and shall not be payable in any manner from taxes. The ordinance authorizing such issuance and sale shall be subject to referendum in accordance with Section 11.30 of this charter.

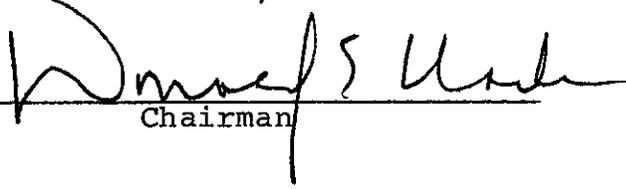
Section 9. This Ordinance is adopted in compliance with Ordinances 159 and 167 of Multnomah County and their further provisions shall apply to this election.

Section 10. The Board of County Commissioners is required by the Charter to submit this measure to an election of the voters and it is in the best interests of the voters of Multnomah County that the measures, ballot titles, explanatory statements and arguments favoring or opposing the measures appear in the voters' pamphlet. An emergency is therefore declared to exist to facilitate maximum compliance with Ordinance 159 and

this Ordinance shall take effect upon its adoption, pursuant to Section 5.50(2) of the Multnomah County Charter.

ADOPTED this 10 day of August, 1978, being the date of its first reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON

By 
Chairman

APPROVED AS TO FORM:

JOHN B. LEAHY, County Counsel
for Multnomah County, Oregon.

By 